

United States Bankruptcy Appellate Panel
of the Ninth Circuit

IN RE PACIFIC THOMAS
CORPORATION, dba Pacific Thomas
Capital, dba Safe Storage

No. NC-13-1354
Bankruptcy No. 12-
046534

RANDALL WHITNEY,

Appellant,
vs.

RESPONSE TO
NOTICE OF
DEFICIENT APPEAL

KYLE EVERETT,

Respondent.

RESPONSE TO NOTICE OF DEFICIENT APPEAL **FILED**

AUG 15 2013

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

gr

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Oakland, CA, 94601
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Appellant pro se

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CA.
OAKLAND, CA.

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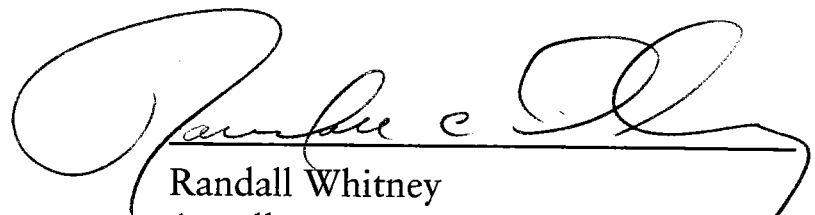
I, Randall Whitney, declare under penalty of perjury as follows:

1. The designation of record on appeal was in fact filed in the bankruptcy court on August 8, 2013, on the same date as the notice of deficiency was filed.
2. This is an interlocutory appeal pursuant to a motion for leave to file an interlocutory appeal under 28 U.S.C. section 158(a)(3) and Federal Rules of Bankruptcy Procedure 8001(b). It was unclear to me whether the designation of record on appeal should be filed before the BAP granted leave to appeal or should be filed only if the BAP granted leave to appeal. However, as stated

above, I filed the designation of record on appeal on August 8, 2013.

3. Sanctions should not be imposed because I filed the designation of record on the same day that this court sent out the notice of deficiency and not because I received the notice of deficiency. In addition, the directions in the appeal packet that I received from the BAP are unclear in that they mention the procedures to be followed after an ordinary notice of appeal is filed, but do not discuss the procedures that an appellant follows when an interlocutory appeal is filed. The BAP's Litigant's Manual for appeals discusses the procedures for filing the initial motion for leave to file an interlocutory appeal in detail, but the manual does not discuss the schedule of required filings after the initial motion and does not explain that a designation of record should be filed even though the BAP has not yet granted leave to appeal. I have never filed an interlocutory appeal before.

I declare under penalty of perjury that this is true and correct to the best of my knowledge and belief. Executed in Oakland, California, on Monday, August 12, 2013.



Randall Whitney
Appellant pro se

CERTIFICATE OF SERVICE

I, the undersigned, depose and state: I reside or do business within the Northern District of California. I am eighteen years of age or older and not a party to this action. My business address is

2783 EAST 12TH ST, OAKLAND, CA 94601
On August 15, 2013, I served the following documents:

Response to Notice of Deficient Appeal

I served the following persons by U.S. mail:

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20 Largest Unsecured Creditors

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Thomas Capital Investments
Buhla R. Darrow Trust
Thomas Koolaupoko Inv.
A.M. Tarbell Trust
Edwin Thomas Revocable Living
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Request for Notice

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I declare under penalty of perjury that the above is true. Executed in
Oakland, California on Monday, August ~~12~~₁₅, 2013.

A handwritten signature in black ink, consisting of a large 'C' followed by several loops and a long horizontal stroke.